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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,769	08/06/2003	Yusuke Fukuda	500.43007X00	6839

24956 7590 06/15/2006

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.  
1800 DIAGONAL ROAD  
SUITE 370  
ALEXANDRIA, VA 22314

EXAMINER
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SUGLO, JANET L

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

**Office Action Summary**

Application No.

10/634,769

Applicant(s)

FUKUDA ET AL.

Examiner

Janet Suglo

Art Unit

2857

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. The action is responsive to the Amendment filed on June 1, 2006. Claims 1, 2, 7, and 8 are pending. Claims 1 and 7 have been amended.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 2, 7, and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Aki et al. (US PG Pub 2002/0083169) in view of Peebles et al. (US PG Pub 2003/0204789) (hereinafter "Peebles").

With respect to **claim 1**, Aki teaches a performance information monitoring method using computers ([0002], [0028]), wherein a first computer performs the steps of:

accepting information on a group (network) relating to the first computer ([0029]);  
storing said accepted group information in a storage in the first computer  
(network monitoring system: Fig. 3: 19) ([0040], [0042]);  
accepting performance information sent from a second computer (web client)  
(Fig. 2: 10) ([0028], [0029], [0039], [0042]), [0093]);

comparing performance information of the second computer previously stored in a storage with the performance information accepted from the second computer ([0094], [0095]);

judging whether or not said second computer is included in the information of said group (if an event has occurred from the second computer) when finding a change in the performance information of the second computer based on the comparison result ([0088], [0106]);

transmitting an instruction to the computer included in said group information to change a performance information collection interval according to said judgment result ([0030], [0031], [0042]);

displaying a host name of said second computer (Figure 5: Object names), wherein said performance information is monitored to detect an event of an input or output to or from a storage, and said instruction is made to shorten the performance information collection interval when a number of events of the detected input or output to or from the storage exceed a prescribed threshold value ([0030], [0052], [0054]).

Aki does not teach explicitly that volume names and information are displayed. Peebles teaches displaying a host name of said second computer (e.g. Server Name) and a volume name of a volume managed by said second computer (e.g. Component Name) on a display of said first computer, based on information acquired from said second computer (Peebles: Figures 8B, 8C, and 9);

receiving information about a use state of the volume managed by said second computer from said second computer (Peebles: Figure 9: 900); and

displaying as highlighted (e.g. red, yellow, green) the volume name and the host name of the volume on said display when the information of the use state of the volume corresponding to said displayed volume name satisfies predetermined conditions (Peebles: [0062]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Aki to include the volume display information as done by Peebles because storage information will help diagnose the health of the system and therefore give a more accurate picture of the performance of a computer (Peebles: [0014]) and the display information is displayed in such a manner that allows a system administrator to more easily track and understand the status of a plurality of monitored processes (Peebles: [0008]).

With respect to **claim 2**, Aki and Peebles teach all the elements of parent claim 1 as shown above, but does not teach explicitly that said performance information includes at least one of a storage capacity, a storage used capacity, and a storage free capacity. Peebles teaches a diagnostic system which gathers performance information on storage capacity (memory utilization) (Peebles: [0015], [0046]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Aki to include gathering information on storage capacity as done by Peebles because storage information will help diagnose the health of the system and therefore give a more accurate picture of the performance of a computer (Peebles: [0014]).

With respect to **claim 7**, Aki teaches a performance monitoring method ([0002], [0028]) using a computer, wherein a first computer performs the steps of:

detecting an event of an input or output from a disk (computer hard disk) ([0093]);  
transmitting an instruction to change a data collection interval according to a  
detection result of said input or output event ([0030], [0031], [0042]);  
displaying a host name of said second computer (Figure 5: Object names),  
wherein the transmission of the instruction to change the data collection interval  
is made to shorten the data collection interval when a number of events of the input or  
output to or from the disk exceeds a prescribed threshold value ([0030], [0052], [0054]).

Aki does not teach explicitly that volume names and information are displayed.  
Peebles teaches displaying a host name of said second computer (e.g. Server Name)  
and a volume name of a volume managed by said second computer (e.g. Component  
Name) on a display of said first computer, based on information acquired from said  
second computer (Peebles: Figures 8B, 8C, and 9);

receiving information about a use state of the volume managed by said second  
computer from said second computer (Peebles: Figure 9: 900); and

displaying as highlighted (e.g. red, yellow, green) the volume name and the host  
name of the volume on said display when the information of the use state of the volume  
corresponding to said displayed volume name satisfies predetermined conditions  
(Peebles: [0062]). It would have been obvious to one of ordinary skill in the art at the  
time of the invention to modify the teachings of Aki to include the volume display  
information as done by Peebles because storage information will help diagnose the  
health of the system and therefore give a more accurate picture of the performance of a  
computer (Peebles: [0014]) and the display information is displayed in such a manner

that allows a system administrator to more easily track and understand the status of a plurality of monitored processes (Peebles: [0008]).

With respect to **claim 8**, Aki further teaches the method as set forth in claim 7 wherein, at the time of transmitting the instruction to change said data collection interval, said computer judges whether or not the data collection interval is in a predetermined range between upper and lower values of the data collection interval and transmits an instruction to change said data collection interval according to said judgment result (Fig. 7, 8, 10, 11, 14, 15, 16; [0049]).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 2, 7, and 8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet Suglo whose telephone number is 571-272-8584. The examiner can normally be reached on weekdays from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2857

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Janet L Suglo  
June 10, 2006

  
MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800